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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N	
09/964,586	09/28/2001	Kristopher Frutschy	219.40442X00(ATSK)	2404	
21186 75	90 08/31/2006		EXAMINER		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			PAREKH, NITIN		
			ART UNIT	PAPER NUMBER	
WITH VERT OF I	5, MIV 55102		2811		
			DATE MAILED: 08/31/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/964,586	FRUTSCHY ET AL.		
Examiner	Art Unit		
Nitin Parekh	2811		

	Null Parekn	2011					
The MAILING DATE of this communication appear	ars on the cover sheet with the d	correspondence add	ress				
THE REPLY FILED <u>23 August 2006</u> FAILS TO PLACE THIS AI	PPLICATION IN CONDITION FOR	R ALLOWANCE.					
<ol> <li>The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follor places the application in condition for allowance; (2) a No (3) a Request for Continued Examination (RCE) in compl following time periods:</li> </ol>	n the same day as filing a Notice o wing replies: (1) an amendment, a tice of Appeal (with appeal fee) in	f Appeal. To avoid ab ffidavit, or other evide compliance with 37 0	ence, which CFR 41.31; or				
a) The period for reply expiresmonths from the mailing date of the final rejection.							
The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO							
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)							
Extensions of time may be obtained under 37 CFR 1.136(a). The date on water filed is the date for purposes of determining the period of extension and CFR 1.17(a) is calculated from: (1) the expiration date of the shortened star above, if checked. Any reply received by the Office later than three months earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL	nd the corresponding amount of the fee. tutory period for reply originally set in the	The appropriate extension final Office action; or (2)	n fee under 37 as set forth in (b)				
2. The Notice of Appeal was filed on A brief in comp	liance with 37 CER 41 37 must be	filed within two mon	ths of the date				
of filing the Notice of Appeal (37 CFR 41.37(a)), or any ex Since a Notice of Appeal has been filed, any reply must b	tension thereof (37 CFR 41.37(e))	), to avoid dismissal c	of the appeal.				
AMENDMENTS							
<ol> <li>The proposed amendment(s) filed after a final rejection,</li> <li>(a) They raise new issues that would require further cor</li> <li>(b) They raise the issue of new matter (see NOTE below</li> </ol>	nsideration and/or search (see NO	f, will <u>not</u> be entered t TE below);	pecause				
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
	d) They present additional claims without canceling a corresponding number of finally rejected claims.						
NOTE: (See 37 CFR 1.116 and 41.33(a)).	24. Coo official Making of No.		(DTOL 004)				
<ol> <li>The amendments are not in compliance with 37 CFR 1.1.</li> <li>Applicant's reply has overcome the following rejection(s)</li> </ol>	The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s):						
<ol> <li>Newly proposed or amended claim(s) would be al the non-allowable claim(s).</li> </ol>	lowable if submitted in a separate,	timely filed amendm	ent canceling				
7.  For purposes of appeal, the proposed amendment(s): a) [ how the new or amended claims would be rejected is prov. The status of the claim(s) is (or will be) as follows:	☐ will not be entered, or b) ⊠ w vided below or appended.	ill be entered and an	explanation of				
Claim(s) allowed:							
Claim(s) objected to: <u>2,3 and 8.</u> Claim(s) rejected: <u>7,9,65-76,78,79,84,85,89,91 and 92.</u>							
Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE							
8. ☐ The affidavit or other evidence filed after a final action, bu	t hefore or on the date of filing a N	latice of Annual will n	ot be entered				
because applicant failed to provide a showing of good and and was not earlier presented. See 37 CFR 1.116(e).	d sufficient reasons why the affida	vit or other evidence is	s necessary				
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to or showing a good and sufficient recessors why it is necessary.	vercome all rejections under appea	al and/or appellant fai	Is to provide a				
showing a good and sufficient reasons why it is necessary 10.   The affidavit or other evidence is entered. An explanation							
REQUEST FOR RECONSIDERATION/OTHER							
11. The request for reconsideration has been considered but See Continuation Sheet.			nce because:				
<ul><li>12.  Note the attached Information Disclosure Statement(s).</li><li>13.  Other:</li></ul>	(PTO/SB/08 or PTO-1449) Paper	No(s).					
		Nilmarekh Nitin Parekh					
		Primary Examiner	0000				
		Technology Center	2800				

Continuation of 11. does NOT place the application in condition for allowance because: Claims 7, 9, 65-75, 78 and 84 are anticipated and claims 76, 79, 85, 89, 91 and 92 are held prima facie obvious over the applied references due to the reasons of record.